

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SEP 14 2009

SHERMAN DIVISION

DAVID J. MALAND, CLERK
BY
DEPUTY _____

TIMOTHY W. MOORE, #28582

§

VS.

§

CIVIL ACTION NO. 4:09cv411

VIRGINIA L. ALLEN

§

ORDER OF DISMISSAL

Plaintiff Timothy W. Moore, an inmate previously confined in the Grayson County Jail, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation for the disposition of the lawsuit. The Plaintiff has filed objections.

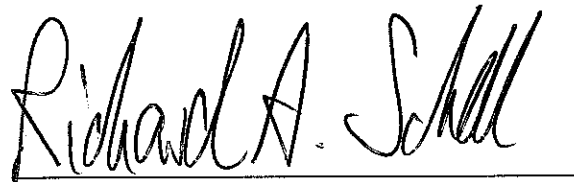
The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. It is noted that the present lawsuit is the second lawsuit the Plaintiff has filed against Virginia L. Allen. The first lawsuit, Civil Action No. 4:09cv19, was administratively closed during the pendency of criminal proceedings against the Plaintiff. The Plaintiff may not bring multiple lawsuits against Mrs. Allen. His claims must be

presented in Civil Action No. 4:09cv19, which will remain closed^d until the criminal charges against the Plaintiff involving Mrs. Allen are resolved. The Plaintiff's objections to the contrary lack merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that ~~the~~^{this} civil rights lawsuit is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 12th day of September, 2009.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is written over a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE